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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,799	10/19/2004	Thomas Weiser	AT 020021	4797
24737	7590	12/15/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			WONG, ERIC K	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/511,799	WEISER, THOMAS	
	Examiner	Art Unit	
	Eric Wong	2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/05 & 10/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 7, 9 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Number 5,602,669 to Chaki.

Chaki discloses in figure 2, an optical transmission system (1) having a signal source device (2) that is arranged to generate a transmission signal, having a signal sink device (6, 7, 8) that is arranged to process the transmission signal (S1-S5), and having transmission means that are provided between the signal source device and the signal sink device (infrared transmission).

As to claims 2 and 13-14, this is a system that requires no transmission line and as such it would be inherent that an air-gap is present (see column 1, lines 23-29).

As to claim 4, the signal sink device is fastened to a headphone (“garment”).

As to claim 7, the infrared (IR) signals scatter.

As to claim 9, a photodetector is disclosed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaki as applied to claims above, and further in view of United States Patent Number 5,774,338 to Wessling III (hereinafter Wessling).

Chaki discloses an infrared signal transmission system to transmit signals between a source and a receiver (headphones, speakers, etc), but fails to explicitly disclose a fiber bundle associated with a garment. Examiner notes that use of single fibers or multiple fiber bundles are well known in the art. The use of multiple fibers to increase bandwidth is commonly known in the art.

Wessling discloses the association of garments with transmission lines.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the integrated garment of Wessling and embed and fasten components of Chaki in order to allow independent adjustment of the torso region to prevent catching/snaring of the transmission lines.

5. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaki as applied to claims above, and further in view of United States Patent Number 6,900,777 to Herbert et al (hereinafter Herbert).

Chaki discloses an optical transmission system with a photodetector, but fails to explicitly disclose the use of a planar photodetector. Examiner notes that the use of planar photodetectors are commonly used in the art to provide maximum coupling with minimal losses.

Herbert discloses such a common photodetector (column 4, line 10) to collect optical energy.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the planar photodetector of Herbert in the signal transmission system of Chaki in order to reduce coupling losses.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. United States Patent Number 6,742,185 to Andrews et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Wong whose telephone number is 571-272-2363. The examiner can normally be reached on Monday through Friday, 830AM - 430PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


EW
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